(b) when was the counter affidavit filed and what is the present position of the case?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN: (a) and (b) The counter affidavit was, filed in February, 1992. The subject matter is presently pending in the Calcutta High Court.

Government's decision on appeals under IDPL CDA Rules

2261. SHRIMATI KAMLA SINHA: Will the PRIME MINISTER be pleased to refer to the answer to" Unstarred Question 1119 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether there is no appeal against the order passed under Rule 30-A of the IDPL Conduct, Discipline and Appeal Rules, 1978;

(b) whether Rule 33 *ibid* provides for review of the order passed under Rule 30-A; and

(c) if sO the reasons for providing re view of the" order passed under Rule 30-A and not for appeal against the said order?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) Yes, Madam.

(b) The provision under Rule 33 of -the said Rules is omnibus and confers over-riding powers for a review of any order passed under the IDPL Conduct. Discipline and Appeal Rules, 1978.

(b) Rule 30-A is a special procedure for certain categories of cases and this rule can be invoked in specified circumstances namely (i) when a post is held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company and (iii) an employee remains on unauthorised absence for 30 days or more. The rule provides an opportunity to the employee to explain his conduct and decision is taken at the highest level in the undertaking after scrutiny of each such case by a Screening Committee and for reasons to be recorded in writing. Therefore, no separate provision for an appeal against an order passed under Rule 30-A has been made.

Procedure against unauthorised absence of IDPL employees

2262. SHRI MD. SALIM: Will' the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1148 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether proceedings are started promptly' in IDPL for unauthorised absence exceeding four days as provided for in Rule 5(7) thereof;

(b) whether there are cases in which this lingered on for over one year or more for a charge sheet to be finally issued,

(c) whether simultaneously proceedings were initiated under Rule 30-A requiring termination of servlces after 30 days absence;

(d) whether during this period the leave applied for was refused and the employees were not suspended and left without any means of subsistence;

(e) whether this is an unfair practice; and

(f) what action Government propose to take to rectify the wrong done to the employees ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) to (c) Rule 5 of the IDPL Conduct, Discipline & Appeal Rules, 1978 lists the type of misconduct for which an employee is liable to disciplinary action. The list is illustrative and not conclusive. Unauthorised absence for more than four days is a misconduct within the. meaning of Rule 5 of the said Rules. As reported by IDPL, disciplinary proceedings are initiated within reasonable time depending upon the circumstances, the reasons for unauthorised absence and